

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES

**CONSERVATION LAND ACQUISITION PROJECTS
Massachusetts Self-Help Program
APPLICATION STEP PROCEDURES**

- (1) Conservation commission or community preservation committee (the "Participant") requests Self-Help application from the Division of Conservation Services *before purchasing land*. At this time, deadlines for filing applications should be ascertained.
- (2) Participant files complete application with the Division of Conservation Services (DCS) before purchasing land. *No electronically filed applications will be accepted*. Several landholdings in a single, contiguous tract may be packaged into one application. Unrelated, separate landholdings must be submitted as individual applications. The following items must be included with the application:
 - (a) Certified copy of municipal vote accepting M.G.L. c. 40, s. 8C.
 - (b) Certified copy of date Participant was established and current appointments to Conservation Commission.
 - (c) Plot or survey plan of area adequately defining metes and bounds of project.
 - (d) Professional appraisals. (See USPAP and the Uniform Appraisal Standards for Federal Land Acquisitions.)
 - (e) Open space and recreation plan approved by the Division and no more than five years old if not already on file with the Division or draft plan. (Plan must be completed before DCS can release a final grant payment.)
 - (f) Any pertinent attachments required in application.
 - (g) File a separate application with the Office for Commonwealth Development for a Commonwealth Capital Score. The application, information and additional guidance documents are available online at <http://www.mass.gov/ocd/comcap.html>.

**NO INCOMPLETE APPLICATIONS WILL BE ACCEPTED.
DO NOT CLOSE ON THE PROPERTY WITHOUT AN EXECUTED CONTRACT FROM EOE.**

- (3) Participant submits draft warrant article or Council order to the Division for review before Town Meeting or City Council vote. Municipal counsel should be consulted in drafting the warrant article, order of taking, or city council order. The draft municipal vote must cite the particular parcel to be acquired and contain authorization to seek funding under M.G.L. c. 132A, s. 11 and to enter into any contracts for the project, as well as permit the conveyance of a conservation restriction if a CR is applicable to the project.
- (4) Participant will be contacted by DCS to schedule a site inspection.
- (5) Merit point rating assigned by Division of Conservation Services followed by review by the Executive Office of Environmental Affairs Interagency Lands Committee, and the Office for Commonwealth Development. Interagency review is designed to identify statewide or regional interagency interests in projects and to review the point rating for the purpose of making final funding recommendations, with or without conditions, to the Secretary.
- (6) Application is reviewed and approved with or without special conditions, or rejected by the Secretary.
- (7) Project approval letter, Self-Help Project Agreement and State Standard Contract, and billing forms for approved projects are sent to Participants by DCS. State funds are then obligated for approved projects. Participants with unsuccessful applications will receive a brief explanation of why the project was rejected and given recommendations regarding future applications.
- (8) Municipal Funding
 - (a) Town or City votes to appropriate, transfer from available funds, expend from its Conservation Fund, or borrow an amount equal to the total cost of the project stated in the Self-Help application. A city or town may vote to borrow funds in anticipation of state or federal reimbursement prior to receiving agreement of reimbursement (M.G.L. Chapter 44, §8C); however, the borrowing cannot actually take place until state or federal approval of grant has been given. Municipal approval may also take place prior to Step 1 but Participants should insure proper compliance with Self-Help policies and procedures.

- (b) Exclusive of borrowing situations, and if the community wishes, reimbursements may be re-appropriated back into the Participant's Conservation Fund. Said authorization may be voted in the original article or submitted in subsequent Town Meeting or City Council votes; otherwise, reimbursements must be deposited into the General Fund as per Massachusetts General Law. Communities utilizing accounts funded by the Cape Cod Land Bank Act, other local land bank acts, or the Community Preservation Act, should consult with the Department of Revenue, Division of Local Services for guidelines.
- (9) State Procurement Law: Acquisition projects must adhere to the state's procurement laws, M.G.L. Chapter 30B. Work with your municipal procurement officer to ensure that your project conforms to the procurement law which will include advertising in the Central Register 30 days prior to closing. State procurement law also prohibits EOEA from reimbursing for the acquisition costs if the land is acquired prior to the starting date on the state standard contract for the project. **DO NOT CLOSE WITHOUT AN EXECUTED STATE STANDARD CONTRACT FROM EOEA.**
- (10) Participant makes land purchase *only* after having received an affirmative Town Meeting or City Council Vote, and an executed state standard contract from the Secretary of Environmental Affairs.
- (11) Participant files billing form with Division after purchase completed. A Self-Help acknowledgement sign must be in place at main access point before payment will be made.
- (12) Billing form and documents reviewed by the Division for any changes from the project application. A corrective amendment to the project agreement will be executed and returned for signing and recording by the Participant if the project has changed.
- (13) Report to Secretary by Director on billing and request for approval.
- (14) Payment is made. Participant receives reimbursement, typically via electronic transfer.
- (15) Participants should review DCS Post Completion requirements regarding fees, user limitations, and prohibitions against converting the conservation land to any other use, or transfer of ownership.